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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,214	08/03/2000	Joseph M. Cannon	Cannon-104-93-51	1174

7590 03/31/2005

DOCKET ADMINISTRATOR  
ROOM 4U-533C  
AGERE SYSTEMS INC.  
FOUR CONNELL DRIVE  
BERKELEY HEIGHTS, NJ 07922-2747

EXAMINER

ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/632,214	CANNON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Taghi T. Arani	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 20-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 20-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-10, 20-31 are pending for examination.

**Continued Examination Under 37 CFR 1.114**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/18/2005 has been entered.

***Double Patenting***

3. Claims 26-31 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 20-25. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 7-10, 20-21, 23-27, 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-070528, published March 1998.

Art Unit: 2131

**As per claims 1, 20 and 26** , JP 10-070528 teaches method and device for controlling a facsimile transmission of confidential information comprising ( see abstract):

a comparison unit adapted to compare, at a near end, a near end password at said device for controlling said facsimile transmission with a far end password transmitted to said device for controlling said facsimile transmission [Page 2, Detailed Description, Paragraph 007, the password which identifies e receiving side (far end) beforehand is registered into the transmitting side ( near end) in performing confidential transmission), see also paragraph 0014); and

a transmission unit adapted to allow transmission of confidential information to a far end if said a near end comparison of said a near end password with said a far end password, results in a match [same paragraph, when performing confidential transmission, beforehand, a confidential transmitting notice is performed to a receiving side, the replay of a password is received from a receiving side and after it checks that the password is in agreement with the password registered beforehand the transmitting side starts confidential transmission].

**As per claim 2**, JP 10-070528 teaches the device comprises:

a facsimile machine [Page 4, Detailed Description, first paragraph, see also Fig. 4].

**As per claim 3**, JP 10-070528 teaches the device comprises:

a PC modem [Page 4, Detailed Description, second paragraph, Fig. 4, Modem 10 (equipped with the data modem function other than the conventional FAX modem function)] .

**As per claim 4**, JP 10-070528 teaches the device comprises:

a chipset [ page 4, Detailed Description, second paragraph, Fig. 4, DRAMs (Image memory 8)].

Art Unit: 2131

**As per claim 5**, JP 10-070528 teaches the device comprises:

a digital signal processor[page 4, Detailed Description, second paragraph, Fig. 4, DSU 9].

**As per claims 6, 8, 21, 23, 27 and 29**, JP 10-070528 teaches the device, further comprising: an encryptor/decryptor adapted to encrypt/decrypt the confidential information [page 4, Detailed Description, second paragraph, CPU1 performs coding/decryption (encryption)].

**As per claims 9, 24 and 30**, JP 10-070528 teaches the device further comprising:

a signal module adapted to generate a notification signal upon receipt of a password request signal [Page 2, paragraph 007 discloses when performing confidential transmission, beforehand, a confidential transmitting notice is performed to a receiving side, the replay of a password is received from a receiving side, and a transmitting side starts confidential transmission. (i.e., generating a notification signal by the device to start confidential transmission)].

**As per claims 10, 25 and 31**, JP 10-070528 teaches the device comprising a signal module adapted to generate a distribution request signal to prompt a far end user to enter distribution instructions [Page 2, MEANS, paragraph 0016 (Request to Send signal)].

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2131

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7, 22 and 28**, rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-070528 as applied to claims 6 and 21 above, and further in view of Schneier, Applied Cryptography (cited in previous office action).

JP 10-070528 fails to teach the encryption process is a PGP encryption. Schneier teaches that the PGP encryption process is very secure encryption protocol, which is well suited for ANSI messages (pgs 584-587). The PGP encryption process is much more secure than the encryption process used by JP 10-070528. It would be advantageous to improve the level of encryption. In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Schneier within the system of JP 10-070528 because a higher level of encryption would decrease the chance that a malicious user could decrypt the encrypted fax.

### **Conclusion**

5. Prior arts made of record, not relied upon:

US 6,108,103 is directed to a communication apparatus which has a function of transmitting a document and a function of receiving a document includes a first sending device for transmitting image data of the document, a password, and the communication apparatus fax number to a plurality of destinations; a sending memory for storing data relating to the plurality of destinations; a receiving memory for storing received image data and a password and a sending apparatus fax number received with the received image data; a device for indicating image data has been received with a password; a printer for printing the received image data stored in the receiving memory when an input password is identical to the password stored in the

Art Unit: 2131

receiving memory; a reply device for retrieving the sending apparatus fax number from the receiving memory, dialing the sending communication apparatus fax number, and transmitting a reply report indicating the received image data has been printed; a receiver for receiving reply reports; a comparer for comparing the plurality of destinations stored in the sending memory and the reply reports returned by the reply device of the plurality of destinations; and a printer for printing a result of the comparer.

US 5,848, 156 addresses a communication method that can easily carry out cipher communication. At the caller, a secret key is produced based on data including the caller's own telephone number and the telephone number of the called station, and then image data is transmitted after enciphering it based on that secret key. At the called station, modem signal data including the telephone number of the caller transmitted during the ring off period of the call tone is received, the telephone number of the caller is detected from among that received data and a secret key is produced based on the telephone numbers of the caller and the called station. Afterwards when coded data is received, the coded data is deciphered based on that secret key and printed out.

US 5258998 discloses a data communication apparatus, such as a facsimile machine, in which the data of a page is transmitted in plural blocks, and the sending unit designates the blocks to be released as output. In this manner particular data can be sent to a particular receiving unit as secret information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

Art Unit: 2131

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Taghi T. Arani, Ph.D.  
Examiner  
Art Unit 2131